

**Request for Reconsideration:**

Applicant now is amending claim 1. Accordingly, claims 1-5 currently are pending in the present application. Applicant respectfully requests that the Examiner enter the foregoing amendments and reconsider the above-captioned patent application in view of the foregoing amendments and the following remarks.

**Remarks:**

1. Rejections.

Claims 1-4 stand rejected under 35 U.S.C. § 102(a), as allegedly anticipated by Patent No. US 6,481,976 B2 to Kimura et al. (“Kimura”); and claim 5 stands rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by Kimura in view of U.S. Patent No. 5,332,365 to Taguchi (“Taguchi ‘365”). These rejections are made **final** by this Office Action.

2. Anticipation Rejections.

As noted above, the Office Action rejects claims 1-4 as allegedly anticipated by Kimura. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. . . . ‘The identical invention must be shown in as complete detail as is contained in the . . . claim.’” MPEP 2131 (citations omitted). The Office Action contends that Kimura discloses each and every element of claims 1-4. Applicant respectfully traverses.

a. Independent Claim 1

Independent claim 1, as amended, describes that “said pressure relief passageway from said valve chamber to said pressure chamber is formed by a gap between said partition wall and said valve element.” Applicant respectfully submits that Kimura fails to disclose at least this element of amended, independent claim 1.

The Office Action contends that second valve seat 59 of Kimura defines a fixed orifice provided at a second communicating passage 58 communicating with upper and lower regions of the valve chamber 47. See Office Action, Page 2, Lines 16-18. Communication passage 58, however, is shut off when the second valve section 44b contacts the second valve seat 59. Kimura, Column 18, Lines 65-67; **Fig. 7**. Accordingly, communication passage 58 is

not a “pressure relief passageway,” because it does not communicate pressure when valve section 44b is in the closed position. Cf. Published Patent Application No. US 2005/0163624 to Taguchi, Para. [0026]. Therefore, Kimura fails to disclose that “a pressure relief passageway . . . is formed by a gap between said partition wall and said valve element,” as described by amended claim 1.

Moreover, Applicant respectfully submits that Kimura’s valve seat 59 is not a **fixed** partition wall, as described in amended claim 1. As shown in **Fig. 7** of Kimura, valve seat 59 defines an outer circumference of the upper region of valve chamber 47. The structure that divides the valve chamber into separate regions is second valve section 44b of second plunger 44. Kimura, Column 10, Lines 56-59 (“The second valve element 44b of the second plunger 44 is arranged in the valve chamber 47 as **a movable wall which divides the valve chamber 47 into an upper region and a lower region**”; emphasis added). As the second valve section 44b moves from the open and closed positions, the volume of the upper and lower regions of valve chamber 47, upon which  $P_c$  and  $P_s$  respectively act, varies. See, e.g., Kimura, Column 18, Line 59-Column 19, Line 21. In addition, the working gap between operation rod 43 and second plunger is sufficiently small that the second valve section 44b fails to provide a “non-contact structure which does not give a sliding resistance relative to a movement of [operation rod 43] in its axial direction.” Accordingly, Kimura also fails to disclose a fixed partition wall, as described by amended claim 1.

Consequently, Kimura fails to disclose each and every element of claim 1, as amended. Therefore, Applicant respectfully requests that the Examiner withdraw the anticipation rejection of amended, independent claim 1.

b. Dependent Claims 2-4

Claims 2-4 depend from independent claim 1. As a result, these dependent claims incorporate each and every element of claim 1. Thus, if Kimura fails to disclose all of the elements of claim 1, as amended, this reference also must fail to disclose all of the elements of the dependent claims, as well. Therefore, in view of the foregoing amendments and remarks with respect to amended claim 1, Applicant respectfully requests that the Examiner withdraw the anticipation rejections of dependent claims 2-4, as well.

3. Obviousness Rejection.

As noted above, the Office Action rejects claim 5 as allegedly rendered obvious by Kimura in view of Taguchi '365. Claim 5 depends from independent claim 1, and, thus, claim 5 incorporates each and every element of claim 1, as amended. "If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." MPEP 2143.03 (citations omitted). Moreover, Taguchi '365 fails to supply the aforementioned deficiencies of Kimura. Therefore, in view of the foregoing amendments and remarks with respect to claim 1, Applicant respectfully requests that the Examiner withdraw the obviousness rejection of dependent claim 5.

**Conclusion:**


Applicant maintains that the above-captioned patent application, as amended, is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution of this application may be furthered by discussing the application, in person or by telephone, with Applicant's representative, Applicant would welcome the opportunity to do so.

Applicant believes that no fees are due as a result of this responsive amendment. Nevertheless, in the event of any variance between the fees determined by Applicant and the fees determined by the PTO, please charge or credit any such variance to the undersigned's **Deposit Account No. 02-0375**.

Respectfully submitted,  
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